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August 29, 2025

VIA ECF

Hon. Jessica G. L. Clarke
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1040
New York, NY 10007

Re: *Rapaport v. Finkelman*, No. 1:24-cv-05942-JGLC

Dear Judge Clarke:

I represent Defendant Abigail Finkelman in the above-captioned action. Ms. Finkelman respectfully moves for clarification in light of the Court's order earlier this morning: (1) granting the motion to dismiss; (2) denying the pending motions for sanctions as moot; and (3) permitting Ms. Finkelman to renew her motion for sanctions by September 15, 2025. ECF No. 52 at 16.

A motion for clarification permits the Court to "reflect the 'necessary implications' of the original order, to 'ensure that the court's purpose is fully implemented[....]' "*Greer v. Mehiel*, No. 15-cv-6119-AJN, 2017 WL 128520, at *2 (S.D.N.Y. Jan. 12, 2017) (quoting *L.I. Head Start Child Dev. Servs., Inc. v. Econ. Opportunity Comm'n of Nassau Cnty., Inc.*, 956 F. Supp. 2d 402, 410 (E.D.N.Y. 2013)). "[A] motion for clarification is not intended to alter or change a court's order, but merely to resolve alleged ambiguities in that order." *McCaffrey v. Gatekeeper USA, Inc.*, No. 14-cv-493-VSB, 2022 WL 1321494, at *1 (S.D.N.Y. May 3, 2022) (quoting *Metcalf v. Yale Univ.*, No. 15-cv-1696-VAB, 2019 WL 1767411, at *2 (D. Conn. Jan. 4, 2019)).

Under Rule 11(c)(2), a motion for sanctions requires notice to the target of the motion 21 days before it can be filed. I fulfilled this requirement for the prior motion for sanctions. ECF No. 21 ¶ 3; ECF No. 21-2. To ensure the necessary procedures have been satisfied in this renewed posture, Ms. Finkelman respectfully requests that the Court clarify that the prior notice (which contains all the same bases for the forthcoming sanctions motion) satisfies the notice requirement for the forthcoming motion that shall be filed on or before September 15, 2025.¹

Thank you for your Honor's consideration in this matter.

Respectfully,

/s/ Max Rodriguez
Max Rodriguez

¹ Ms. Finkelman reserves the right to move for attorney's fees under Civil Rights Law § 70-a — separately from the sanctions motion — by the same date. *See Bobulinski v. Tarlov*, 758 F. Supp. 3d 166, 182–9 (S.D.N.Y. 2024).